

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION**

United States District Court
Southern District of Texas
FILED

NOV 06 2006 **PG**

_____, Clerk
Laredo Division

TRANSPORTES CHIHUAHUA, INC.

Plaintiff,

v.

NTEX TRANSIT, INC.

Defendant.

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Civil No. L-05-cv-226

MOTION TO DISMISS

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now the Plaintiff, by and through it's attorney of record herein, and represents to the Court that Plaintiff did not include all parties in the original state court filing in this case and has since refiled in state court to include all parties Defendant that are responsible to the Plaintiff and diversity of citizenship does not exist between these parties. Plaintiff prays that this cause be dismissed without prejudice.

WHEREFORE, Premises Considered, Plaintiff prays that the above entitled and numbered cause be dismissed without prejudice.

Respectfully submitted,

TONY R. CONDE, JR.

Attorney for Plaintiff
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BY: _____

Tony R. Conde, Jr.

State Bar of Texas No. 04656300

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was sent to Andres Reyes, Capitol Centre, 401 E. Hillside, Laredo, Texas 78401 (956) 725-4594 and to Sharon Trigo, 1417 Mier, Laredo, Texas 78040-8743 on this the 3rd day of November, 2006, by facsimile transmission.



Tony R. Conde, Jr.

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